

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 11, 2007

Charles R. Fulbruge III  
Clerk

\_\_\_\_\_  
No. 07-50417

Conference Calendar  
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UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ERELI JAVIER VERA-ESPINOZA

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 2:00-CR-615-ALL  
\_\_\_\_\_

Before REAVLEY, BARKSDALE, and GARZA, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Erelí Javier Vera-Espinoza has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Vera-Espinoza has not filed a response.

"This Court must examine the basis of its jurisdiction, on its own motion, if necessary." *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). Article III, section 2, of the Constitution limits federal court jurisdiction to actual cases and

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

controversies. *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). The case-or-controversy requirement demands that “some concrete and continuing injury other than the now-ended incarceration or parole – some ‘collateral consequence’ of the conviction – must exist if the suit is to be maintained.” *Id.*

During the pendency of this appeal, Vera-Espinoza completed the sentence that was imposed upon the revocation of his supervised release. The order revoking Vera-Espinoza’s supervised release imposed no further term of supervised release. Accordingly, there is no case or controversy for this court to address, and this appeal is dismissed as moot. Counsel’s motion to withdraw is denied as unnecessary.

APPEAL DISMISSED; MOTION DENIED.